



**TERMINAL DISCLAIMER TO AVOID AN OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION OVER A COMMONLY-OWNED
PATENT AND PATENT APPLICATION**

Attorney Docket No.: 046124-5085-01

In re Application of: Takuya HOMME et al.
Application No.: 10/750,945
Filed: January 5, 2004

For: RADIATION DETECTION DEVICE AND METHOD OF MAKING SAME

The owner*, Hamamatsu Photonics K.K., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 6,278,118 or to any patent granted on co-pending Application No. 09/893,586, filed on June 29, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the '118 patent or any patent granted on the '586 application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the '118 patent or any patent granted on the '586 application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

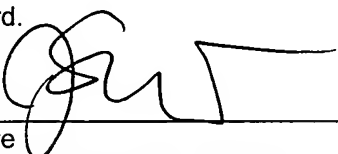
Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

November 8, 2004
Date



Signature
John G. Smith, Reg. No. 33,818

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.
- ☒ PTO suggested wording for terminal disclaimer was
☐ unchanged. ☒ changed to refer to plural applications.

*Statement under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

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